

76-CR-15 - 1

COUNTS
1

MAGR.
CASE NO. **1**

BAIL • RELEASE

☐ Personal Recog.
Denied ☐ Unsecured Bond
AMT ☐ Conditional Release
Set (000) ☐ 10% Deposit
\$ **50** ☐ Surety Bond
2-4-76 ☐ Collateral
date ☐ 3rd Party
☒ Bail Not Made ☐ Custody
☐ Bail Status ☐ PSA
Changed ☒ C/S
(See Docket) X

Defense: ☒ CJA, ☐ Ret, ☐ Waived, ☐ Self, ☐ None ☐ Other, ☐ PD, ☐ CD
Kenneth L. Stainer PH: 584-6404
Mayo Bldg.

SENTENCE

Disposition

☒ Convicted

☐ Acquitted

☐ Dismissed

☐ Nolle/Pro

Search Warrant	Issued	DATE	INITIAL/No.	INITIAL APPEARANCE	INITIAL/No.	OUTCOME <input type="checkbox"/> Dismissed <input type="checkbox"/> Held for District GJ <input type="checkbox"/> Held to Answer to U. S. District Court BOND <input type="checkbox"/> Exonerated <input type="checkbox"/> To Transferee District AT:
	Return			PRELIMINARY EXAMINATION OR REMOVAL HEARING Date Scheduled _____ Date Held _____ <input type="checkbox"/> Waived <input type="checkbox"/> Not Waived <input type="checkbox"/> Intervening Indictment		
Summons	Issued					
	Served					
Arrest Warrant						
COMPLAINT				Tape No.	INITIAL/No.	Magistrate's Initials
OFFENSE (In Complaint)						

V. Excludable Delay

(a)	(b)	(c)	(d)
-----	-----	-----	-----

Record vote of the Grand Jury concurring filed in open court. v.
Indictment filed in open court. Bail set at \$50,000 C/S. 2
(AEB-J) v
warrant issued.
Defendant appeared before CSB, Mag. and was advised bail was
set at \$50,000 C/S. Defendant remanded to custody of U. S.
Marshal in lieu of bond.
MO: Case set for ARRAIGNMENT on 2-12-76 at 10:00 a.m.
PARTIES given 10 days to file any and all motions.(AEB-J)v
Appt. of Atty and Financial Aff., fld. v - motivated by phone 2-6-76. b.
Return on Warrant for Arrest of Deft. Kellogg, fld. Rec'd
2-5-76 and executed same by arresting Deft. v
Case called for arraignment. Deft. present & represented.
Govt. represented. Deft. acknowledges receipt of indict.
& is advised of charge. Deft. enters plea of NOT GUILTY. Case
set for jury trial on 3-1-76, at 10:00a.m. Deft. given 10
days to file motions & Govt. 5 days to respond. Deft. to
file written motion for reduction of bond. Deft. remanded to
U. S. M.(AEB-J)t

2	<u>2-4-76</u>	M
2	<u>2-5-76</u>	M 2

OPPOSITE THE APPLICABLE DOCKET ENTRIES IN SECTION IV SHOW, IN SECTION V, ANY OCCURRENCE OF EXCLUDABLE DELAY PER 18 USC §3161(h) – “SPEEDY TRIAL ACT”.

DATE	IV. PROCEEDINGS (continued)	V. EXCLUDABLE DELAY				OTHER CODES For Identifying Periods of Exclud- able Delay Per 18 U.S.C. 3161(h)
		(a)	(b)	(c)	(d)	
2-14	MO: Case set for jury on 3-1-76, at 10:00 A.M.(AEB-J)b nts mld					A. Examination or hearing for mental or physical in- capacity (18 U.S.C. 4244).
2-23	Case called for jury trial. Defendant present and represented. Gov't present. Parties announce desire to change plea. Defendant placed under oath Defendant withdraws plea of NOT GUILTY and enters plea of GUILTY and is adjudged GUILTY as charged. Deft Waives jury and wavier signed and filed in open Court. Indictment read and Sentencing set for March 2, 1976 at 10:00a.m. Bond reduced to \$5,000. Remanded to USM.(AEB-J)t					B. NARA Exami- nation (28 U.S.C. 2902). C. State or Federal trials on other charges. D. Interlocutory Appeals. E. Hearings on pretrial motions. F. Transfers from other districts (per F.R.Cr.P. Rules 20, 21 & 40).
3-2	Case called for sentencing. Deft. present & repre- sented. Govt. rep. Deft. & counsel asked if they care to say anything before sentence is passed. Judgment & Commitment - Jack Leroy Kellogg Atty. Gen. - Maximum Twenty (20) years for study under 4208(b). Deft. remanded to USM. (AEB-J)k					G. Defendant Motion is actually under advise- ment. Period of up to 30 days is excludable per 3161(h)(1)(G).
3-2	Judgment & Commitment, filed & entered. (AEB-J)k					H. Miscellaneous Proceedings: Probation or Parole revoca- tion, Deporta- tion, Extradition.
3-2	Two c/c of J&C to USM. k					I. Prosecution de- ferred by mutual agree- ment.
3-29	Judg. & Commit return & filed & executed, Deft. delivered on March 2, 1976 to Tulsa County Jail, Tulsa, Oklahoma Deft delivered on March 22, 1976 to U. S. Penitentiary at Leavenworth, Kansas.t					M. Unavailability of defendant or essential witness. N. Period of men- tal or physical incompetence of defendant to stand trial. O. Period of NARA Commit- ment or Treatment. P. Superseding Indictment and/or new charges. R. Defendant awaiting trial of Co-defen- dant when no severance has been granted.
5-14	MO: Case set for definitive sentence on 5-18-76, 10:00 A.m.(AEB-J)b nts mld					T. Continuances Granted per 3161(h)(8) (i.e. ends of justice or com- plexity of case outweighs de- fendants' in- terests).
5-18-76	Case called for sentencing. Deft. present & represented. Govt. represented. Deft. & co. asked if they have anything to say before sent. is pronounced: Judgment & Sentence - Jack Leroy Kellogg Impos. of sent. is suspended & deft. is placed on prob. for period of three (3) years. Bond exonerated.(AEB-J)b					U. Time between guilty plea and plea with- drawal. V. Time while moving prisoner from state insti- tutions per transfer/ detrainer pro- cedure.
5-18	Judgment & Order of Probation, filed & entered.(AEB-J)b					W. Grand Jury in- dictment ex- tended per 3161 (b).
5-18	Two c/c of J & Ord. of Prob. to probation. b					Y. Any delay ex- cluded by court order for reasons not included above.
9-7-78	Report & order terminating probation prior to original expiration date. fld. (AEB-J)ho C/M					
8-12	TRANSCRIPT of proceeding of sentencing had on 3/11/76 (18 pgs)(GD-CR)a					
7-13-78	\$ 50.00					